

# Exhibit 27



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# Transcript of Gary Haycox

**Date:** July 7, 2022

**Case:** XR Communications, LLC -v- D-Link Systems, Inc., et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Gary Haycox  
Conducted on July 7, 2022

3 (9 to 12)

<p>9</p> <p>1 marked as Brooks Exhibit 1. 2 REMOTE TECH: Stand by. 3 MR. HASLAM: Mr. Brooks, can we give 4 control of the document to Mr. Haycox. 5 REMOTE TECH: Mr. Haycox, if you 6 click your screen, you should have control of 7 the document. 8 BY MR. HASLAM: 9 Q You will see this is -- the first 10 page of this is a form filed with the Patent 11 Office. It indicates that Vivato, Inc., as a 12 conveying party, was transferring something to a 13 company called Wayout Wireless. Do you see 14 that? 15 A Yes, I do. 16 Q And is this the document that you 17 filed with the Patent Office indicating -- or 18 having filed on your behalf indicating that 19 Wayout Wireless had acquired the listed patent 20 applications and patents from Vivato, Inc.? 21 A Yes. 22 Q If you will scroll down to the bottom 23 of just this first page, you will see it is 24 filed -- it is signed by an Edward J. Brooks, 25 III. Was Mr. Brooks your patent counsel at the</p>	<p>11</p> <p>1 Agreement." Okay. 2 Q Yeah. 3 A Under the "Patent Assignment 4 Agreement"? 5 Q Yeah. If you could, scroll down 6 further to the Notice Provisions. 7 A What page is that on? Do you know? 8 Q I don't have the page. If you just 9 keep scrolling down, it will be -- I think it is 10 Section 5. 11 A Oh, Section 5. Okay. 12 Q And if you go up to the beginning of 13 Section 5 -- 14 A Which section are you -- what section 15 are you looking at? 5 at what? 16 Q The beginning of Section 5. 17 A Yeah, I overshot it. 18 Q I apologize. It's not at the 19 beginning. In any event, let me ask you this: 20 At the time that this Assignment Agreement was 21 entered into, had you met Mr. Ambrose? 22 A I believe so. 23 Q And -- 24 A I believe Wayout Wireless was created 25 under Mr. Ambrose.</p>
<p>10</p> <p>1 time? 2 A Yes. I retained Mr. Brooks to file 3 and do the patent filings with the U.S. Patent 4 Office. 5 Q The -- this was filed as of -- on 6 September 19, 2006. Was the work with Wayout 7 Wireless the first work you did with Mr. Brooks 8 in connection with obtaining patent prosecution 9 services? 10 A Yes, it is. 11 Q And did he come recommended by 12 somebody? 13 A Yeah. I think at the time I was 14 working in Minnesota, he was out of Minnesota as 15 well, so I got a referral from -- I believe one 16 of -- there was an investment company. I don't 17 recall the name right now. I think it was ATEL 18 or -- in Minnesota, and so I was just looking 19 for someone that was working with IP, and they 20 recommended Mr. Brooks. 21 Q Okay. If you scroll down to the 22 attachment, which is the Assignment Agreement. 23 A How far down is that? 24 Q Yeah, it should be the next -- 25 A It actually says "Assignment</p>	<p>12</p> <p>1 Q Had you worked with Mr. Ambrose 2 before the creation of Wayout Wireless? 3 A No. 4 Q And, again, did he come recommended 5 by somebody? 6 A Yeah. He was recommended at the time 7 by Allan Rakos, who was also working with me on 8 this. 9 Q And what was Mr. Rakos' background? 10 A His background was with Intel 11 Corporation, as I, and he was working with me to 12 form the Wayout Wireless and the consulting 13 group. At the time when the patents came in 14 to -- or the -- well, I should say the asset 15 purchase of Vivato became available, he was 16 working with me on forming that business 17 consulting group. 18 Q And what was your intention when you 19 acquired the assets, other than patent assets, 20 from Vivato, Inc.? What was your purpose or 21 what was your intent doing something with those 22 assets? 23 A Yeah, the intent was not only -- it 24 was an asset purchase, so we -- patents came 25 along with inventory of product and two designs</p>

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4 (13 to 16)

<p>13</p> <p>1 of the outdoor wireless array antennas. So our 2 intent was to bring the assets forward, put them 3 under the structure of the company, and then 4 start forming and rebuilding and standing the 5 company back up to deliver wireless products to 6 outdoor customers.</p> <p>7 Q Okay.</p> <p>8 MR. HASLAM: Can we bring up Brooks 9 Exhibit 2.</p> <p>10 Q This is another document filed with 11 the Patent Office, and you can see that this one 12 names as the conveying party -- it is Wayout 13 Wireless, LLC, and the name of the receiving 14 party is Vivato Networks, LLC, and the nature of 15 the conveyance or execution indicates that it is 16 simply a change of names. And this -- Box 2 17 indicates that the contact person would be 18 Ambrose Law in Portland, Oregon.</p> <p>19 What was the purpose of changing the 20 name from Wayout Wireless to Vivato Networks?</p> <p>21 A Strictly for branding. Vivato had a 22 brand in the marketplace as a known company 23 delivering a unique outdoor wireless solution, 24 and so we felt that changing the name and using 25 Vivato, we would actually leverage on the brand</p>	<p>15</p> <p>1 long series of discussions about merging the two 2 companies to leverage both the client-side and 3 network-side solution set to market.</p> <p>4 MR. HASLAM: Can we have Brooks 3 5 brought up.</p> <p>6 Q Brooks 3 -- and I call it Brooks 3 7 because it was Exhibit 3 to Mr. Brooks' 8 deposition. This is a Patent Assignment from 9 Vivato Networks, LLC to Vivato Networks 10 Holdings, LLC, and it indicates that their 11 execution date was December 7, 2007.</p> <p>12 Was this transfer of the patent 13 assets from Vivato Networks, LLC to Vivato 14 Networks Holdings, LLC part of the transactions 15 that led to the relationship between your 16 companies and Catcher, Incorporated?</p> <p>17 A Yes. During the negotiation process, 18 which covered us quite a few months before this, 19 we were engaged in a discussion for merging the 20 companies. And at the time, I -- Hal Turner was 21 a CEO of Catcher. I told him that the patent 22 portfolio was not to be included in the merger 23 process during those negotiations, that they 24 could actually -- if they wanted to purchase the 25 patents, we would have that as included as</p>
<p>14</p> <p>1 that was already in the marketplace.</p> <p>2 Q And pursuant to this transfer, all 3 the patents, patent applications and the 4 inventory was transferred from Wayout Wireless 5 to a company named Vivato Networks, LLC; is that 6 correct?</p> <p>7 A That is correct.</p> <p>8 Q Okay. And this was in 2006, 9 approximately?</p> <p>10 MR. HASLAM: Can you give control of 11 the document to the witness.</p> <p>12 A Yeah, it looks like September 28, 13 2006 is on the document.</p> <p>14 Q And from September 2006 until the 15 fall of 2007, what was the business activity of 16 Vivato Networks, LLC?</p> <p>17 A Okay. We were, again, looking to 18 bring some people on board. We had a couple 19 projects that we were doing at the time with 20 existing inventory. We started servicing 21 existing customers that Vivato already had in 22 place. And then I'm not -- I don't recall the 23 exact date, but there was a point in 2007 where 24 we were introduced to Catcher, Inc., and we went 25 on a -- undergone a series of discussions, a</p>	<p>16</p> <p>1 another deal within the merger.</p> <p>2 So we structured to move the patents 3 out of the Vivato Networks entity, into the 4 Holdings company, to separate those assets from 5 the actual product inventory, product designs, 6 product development on -- and the employees that 7 we had moving forward in the team from that 8 entity. And so we were preparing to actually 9 separate those two during that process.</p> <p>10 Q And I've got some documents I will 11 show you. As part of the merger, did Vivato 12 Networks, LLC, after transferring the patent 13 assets to Vivato Networks Holdings, LLC, merge 14 into a company called Catcher Holdings?</p> <p>15 A Again -- so during the process of the 16 merger, we did this to separate them. But in 17 the process of the merger, everything went 18 forward as one collective-merge process, so all 19 of it came together during the merger. It 20 wasn't my intent at the time to do that, but 21 that's how, through the execution process of all 22 the documents, it actually occurred.</p> <p>23 Q You indicated that during 2006 and at 24 least up to the merger activity in the fall of 25 2007 that you were running the company and among</p>

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5 (17 to 20)

17	1 other activities was -- were you selling 2 inventory that you had acquired from Vivato, 3 Inc.? 4 <b>A Yes, that's correct, and servicing</b> 5 <b>the existing customer base for maintenance and</b> 6 <b>any additional product that they were requiring.</b> 7 Q Okay. Do you recall whether the 8 products that you were selling went by the name 9 of Stan -- 10 <b>A I don't recall that name.</b> 11 Q Did -- do you -- were they sold under 12 a numbering system, the VT2210? 13 <b>A So it was a VT -- VT2210 seems to</b> 14 <b>ring a bell for me. If you give me both product</b> 15 <b>numbers -- there was two products. One was the</b> 16 <b>initial product, and I don't know if that was</b> 17 <b>the 2210, or if there was a 2200 or 1200. I</b> 18 <b>think there is a V1200 and then a V -- VT2210 if</b> 19 <b>I recall now.</b> 20 Q Okay. I believe that's correct, but 21 you do recall that you were selling two 22 products, one with a VT1 number and one with a 23 VT2 number? 24 <b>A That's correct.</b> 25 Q During 2007 leading up to the	19	1 Q I'll ask you to scroll through it 2 just to familiarize yourself with it. 3 <b>A Okay. Okay. Do you have any</b> 4 <b>specific areas you want me to look at?</b> 5 Q Yep. This filing describes a variety 6 of transactions that took place at the end of 7 2007. Among other things, did you become the 8 CEO of Catcher Holdings as a result of the 9 transactions listed in Haycox Exhibit 1? 10 <b>A Yeah, I believe during the merger</b> 11 <b>process, I was brought in as a VP or CTO of the</b> 12 <b>company. And then Hal Turner -- during this</b> 13 <b>merger process, you have to understand this</b> 14 <b>is -- it got into a pretty muddy mess with the</b> 15 <b>financial crisis, so a lot of things were going</b> 16 <b>on and happening in real time, and Hal Turner</b> 17 <b>was the CEO of the company, who put all this</b> 18 <b>together on the Catcher side, he was CEO of</b> 19 <b>Catcher. I then assumed that role as more -- at</b> 20 <b>the time, it was more, I would say, of a</b> 21 <b>figurehead because of what was going on in the</b> 22 <b>financing and, kind of, unwinding of the</b> 23 <b>company.</b> 24 Q The page we're looking at right now, 25 Item 5.02, indicates that you became the chief
18	1 assignment of patents from Vivato Networks, LLC 2 to Vivato Networks Holdings, LLC, had Mr. Brooks 3 continued to provide services in prosecuting and 4 maintaining the patent portfolio? 5 <b>A Yes. He was involved up through the</b> 6 <b>merger process. You know, these documents -- on</b> 7 <b>the Patent Assignment documents and I think this</b> 8 <b>last one with Vivato Networks to Holdings, I</b> 9 <b>don't recall speaking with him. I think that</b> 10 <b>was done through Ambrose directly just as a form</b> 11 <b>of -- basically, used as, again, an entity</b> 12 <b>change of the ownership of the patents, so I</b> 13 <b>wasn't directly involved in that, but on my end</b> 14 <b>I was.</b> 15 Q Okay. 16 MR. HASLAM: Can we have Tab 44 17 pulled up. This is a -- and I'll have this 18 marked as Haycox Exhibit 1. 19 (Haycox Exhibit 1 marked for 20 identification and attached to the transcript.) 21 Q This is a Securities and Exchange 22 Commission Form 8-K filed by Catcher Holdings, 23 Inc., dated November 30, 2007. 24 MR. HASLAM: And can you give control 25 of this document to the witness.	20	1 technical officer of Catcher, Inc., correct? 2 <b>A 5.02. Yes.</b> 3 Q The second paragraph begins -- 4 <b>A Yes, that's correct.</b> 5 Q Yep. And Catcher, Inc. was the 6 operating company that ran Catcher's business, 7 correct? 8 <b>A That's correct.</b> 9 Q And Catcher Holdings was a company 10 that was formed separate from Catcher, Inc., 11 correct? 12 <b>A I don't remember exactly why Catcher</b> 13 <b>Holdings was created, but if it is during that</b> 14 <b>merger process, that was being done on the</b> 15 <b>Catcher side, which I was not really involved in</b> 16 <b>a whole lot then because they had a whole</b> 17 <b>structure in place for CTO and a CEO, and so I</b> 18 <b>was looking more at the terms of the merger from</b> 19 <b>the Vivato side.</b> 20 MR. WANG: Mr. Haslam, I'm sorry to 21 interrupt, but could I have a copy of the 22 exhibits. I don't believe that Exhibit 1 was 23 provided in the folder or provided before. 24 MR. HASLAM: Kee Young, can you send 25 or upload an --

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12 (45 to 48)

<p>45</p> <p>1 IP stays enforced. And so, at that point, I</p> <p>2 don't know if they actually spoke with Brooks or</p> <p>3 if they put it under their attorneys to -- you</p> <p>4 know, to keep the portfolio in place, but they</p> <p>5 basically had management responsibility under</p> <p>6 the contract, I believe, to ensure that that</p> <p>7 portfolio stayed up to date.</p> <p>8 Q Do you know whether Aequitas --</p> <p>9 MR. HASLAM: Well, strike that.</p> <p>10 Q Do you know whether Catcher was ever</p> <p>11 able to bring Mr. Brooks' payments current in</p> <p>12 2008?</p> <p>13 A In 2008?</p> <p>14 Q Yes.</p> <p>15 A I don't believe that that happened.</p> <p>16 Q Did Mr. Brooks ever have a</p> <p>17 conversation with you that if he -- if his bills</p> <p>18 were not brought current, he would have to</p> <p>19 withdraw from representing Vivato Networks or</p> <p>20 Catcher, whichever company he was performing</p> <p>21 services for?</p> <p>22 A Yeah, it was --</p> <p>23 MR. WANG: I'm sorry. Sorry.</p> <p>24 Objection to the extent it calls for</p> <p>25 attorney-client privilege. I don't believe any</p>	<p>47</p> <p>1 multiple times advising them on keeping the</p> <p>2 patent portfolio up to date and that the Brooks</p> <p>3 payment was due. And at that point, I said --</p> <p>4 went back in to the Aequitas team, and whether</p> <p>5 or not they were going to work with -- continue</p> <p>6 to work with Brooks or they are going to have</p> <p>7 their own attorneys pick up the portfolio was</p> <p>8 something that -- I assume that they were having</p> <p>9 those conversations, but I don't have any</p> <p>10 information that shows what really happened in</p> <p>11 there.</p> <p>12 Q But do you recall at some point</p> <p>13 becoming aware that Mr. Brooks was going to</p> <p>14 withdraw from representing Vivato Networks</p> <p>15 Holdings or Catcher with -- in the Patent Office</p> <p>16 with respect to the patent prosecution that was</p> <p>17 ongoing on the applications?</p> <p>18 A Yeah, that was -- again, that was</p> <p>19 part of the correspondence with the payment that</p> <p>20 was required, so that went into the management</p> <p>21 team. They had that information.</p> <p>22 Q And do you -- do you know that</p> <p>23 Mr. Brooks ultimately did withdraw from</p> <p>24 representing Vivato Networks Holdings, Inc. or</p> <p>25 Catcher Holdings at the Patent Office?</p>
<p>46</p> <p>1 privilege has been waived, so I wanted to note</p> <p>2 that issue that's come up in a couple</p> <p>3 depositions.</p> <p>4 MR. HASLAM: Well, I'll just state</p> <p>5 for the record that I don't think it has</p> <p>6 hindered us so far. I'm not sure that, given</p> <p>7 the company has gone out of business, a</p> <p>8 privilege remains, but I understand your</p> <p>9 objection. We are not going to resolve now.</p> <p>10 BY MR. HASLAM:</p> <p>11 Q So subject to that objection, you can</p> <p>12 answer the question.</p> <p>13 A Okay. I believe the -- any</p> <p>14 correspondence that came from Brooks went into</p> <p>15 the entity and it was presented, you know, as an</p> <p>16 expenditure to Catcher at the time because a</p> <p>17 merger completed, and so that would have been</p> <p>18 forwarded on to the team that was actually</p> <p>19 looking at the expenditures that were going out.</p> <p>20 Q Do you recall that Aequitas -- do you</p> <p>21 recall personally that Aequitas refused to agree</p> <p>22 to bring -- to make payments to bring</p> <p>23 Mr. Brooks' account current?</p> <p>24 A I don't recall them ever saying they</p> <p>25 were not going to do it. I recall me on</p>	<p>48</p> <p>1 A Yeah, I'm not sure at the time if I</p> <p>2 was aware, but I was made aware of it in -- just</p> <p>3 recently, so I know that he was making that</p> <p>4 request for payment, and that was forwarded on</p> <p>5 into the Aequitas team. And, again, I --</p> <p>6 because a lot of information that wasn't being</p> <p>7 given to me at the time, I didn't know if they</p> <p>8 had moved it to an internal -- their internal</p> <p>9 attorneys to manage that portfolio or if they</p> <p>10 were -- continued to work with Brooks.</p> <p>11 Q Do you recall becoming informed at</p> <p>12 some point that patent applications went</p> <p>13 abandoned because there was no attorney</p> <p>14 registered to act on behalf of Vivato Networks</p> <p>15 Holdings, Inc. or Catcher at the Patent Office?</p> <p>16 MR. WANG: Objection to form.</p> <p>17 Q You can answer the question to the</p> <p>18 extent you can.</p> <p>19 A I don't recall. I don't recall what</p> <p>20 happened in that transition process. I know at</p> <p>21 some point Aequitas went dark with me after</p> <p>22 they -- you know, after they secured the IP</p> <p>23 portfolio and they were going to manage selling</p> <p>24 that portfolio.</p> <p>25 There was a period of time in the</p>

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13 (49 to 52)

<p>49</p> <p>1 beginning of that process -- I don't recall what 2 month it was, but it was in 2008, at some point, 3 I had a call with Aequitas, and I don't recall 4 the entity or entities. Might have been a 5 consultant that they had on at the time to go 6 out and try and sell the patent portfolio. And 7 I provided them input as far as the knowledge I 8 had about the patents, which I'm not the 9 inventor, nor am I the patent author, so I gave 10 them as much as I could, and then, at that 11 point, they pretty much disappeared. 12 So I assume at that point when I was 13 talking with them -- I would make the assumption 14 that since they are trying to sell the patents 15 that they had them up in -- up to date. 16 Q Did you ever have any reason to 17 believe that Catcher -- that Aequitas -- I 18 apologize. 19 Did you ever have reason to believe 20 that Aequitas, because they had a lead on the 21 portfolio, was refusing to pay Brooks' billings 22 in order to cause a default so that Aequitas 23 could ultimately take possession of the 24 portfolio? 25 A I wish I knew I had that information.</p>	<p>51</p> <p>1 A Yeah. 2 Q You told Aequitas that they needed to 3 keep the IP portfolio current, correct? 4 A That's correct. 5 Q Did they ever tell you that they 6 would do so? Did they ever affirmatively state 7 that they would do so? 8 A I think they -- it was just part of 9 the process that we -- you know, we will get the 10 funds allocated. I don't recall, in person, 11 them ever telling me that they were -- they did 12 it, they were going to do it. But if I 13 recall -- if I recall that they had that 14 responsibility in the contract of perfecting and 15 acquiring the patents. 16 Q Under the merger -- I will just 17 represent we can look at it. Under the merger 18 in the documentation, Catcher Holdings had the 19 responsibility for maintaining and prosecuting 20 patents. 21 And with that -- with that 22 representation, is it your recollection that 23 part of the reason that you were talking to 24 Aequitas about Mr. Brooks and his bills and 25 maintaining the portfolio because Catcher</p>
<p>50</p> <p>1 That would have been part of my complaint. No, 2 sir. 3 Q Okay. But what you do clearly recall 4 is, is that you -- that the bills from 5 Mr. Brooks were forwarded to Aequitas, correct? 6 A I believe all the expenditures were 7 being forwarded in to them. They were managing 8 the control of funds for all the expenditures. 9 And I do recall informing them directly in 10 meetings. 11 Q Okay. And you -- do you recall 12 informing Aequitas that if Mr. Brooks withdrew 13 as counsel that they would need to appoint 14 somebody to continue handling the IP portfolio 15 at Vivato Networks Holdings, Inc., correct? 16 A I informed them I was informing them 17 to keep the patent portfolio enforced. The 18 method to which they were going to do that, I 19 don't have any insight to that. 20 Q Did they assure you that they would 21 do so, or did -- was your statement that they 22 needed to keep the portfolio in shape met with 23 silence? 24 MR. HASLAM: Let me withdraw it. 25 Q That is a bad question.</p>	<p>52</p> <p>1 Holdings had the responsibility for prosecuting 2 the patents? 3 A My -- the -- I am not sure where -- 4 if Catcher Holdings has that, but my -- what was 5 in my mind at the time was they actually 6 perfected control over the IP as collateral, and 7 once they, basically, foreclosed and pulled up 8 that collateral, that would be their 9 responsibility. But, in the end, I was 10 thinking, since that is a piece of collateral 11 that they see as value for the loan, that they 12 would keep that patent portfolio in place. I 13 reminded them on a couple occasions that they 14 needed to do that. Any specific yes, noes to 15 me, I don't recall those conversations. 16 Q And it is your recollection that the 17 payment of expenses by Vivato Networks Holdings 18 or Catcher Holdings, Inc. in 2008, including any 19 payments to Mr. Brooks for his services 20 prosecuting the patents or patent applications, 21 had to be approved by Aequitas; is that correct? 22 A At the time, pretty much everything, 23 especially later advances into the 2 -- you said 24 "2008," so those are later advances. As we 25 transitioned into 2008, it became very heavy</p>

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14 (53 to 56)

<p>53</p> <p>1 <b>management on the funds.</b></p> <p>2 Q Okay.</p> <p>3 MR. HASLAM: Can we have Brooks -- I</p> <p>4 think it is Brooks 7 brought up.</p> <p>5 Q This is an April 28, 2008 filing with</p> <p>6 the United States Patent and Trademark Office,</p> <p>7 and it is a request by Mr. Brooks to withdraw as</p> <p>8 counsel in connection with this particular</p> <p>9 application. And I will --</p> <p>10 MR. HASLAM: Can you give control to</p> <p>11 the witness.</p> <p>12 Q It is a reasonably short document. I</p> <p>13 would like you to look at it. I am going to ask</p> <p>14 you if you recall seeing it.</p> <p>15 (Witness reviewing document.)</p> <p>16 A <b>So repeat -- I was just reading the</b></p> <p>17 <b>document. Can you repeat the question, please.</b></p> <p>18 Q I think it is a little more further</p> <p>19 down.</p> <p>20 A <b>Yep.</b></p> <p>21 Q And on the page you're on, you see</p> <p>22 that Mr. Brooks -- this is dated April 25,</p> <p>23 2008 -- indicates that the firm or individual</p> <p>24 for future correspondence is Christopher R.</p> <p>25 Ambrose.</p>	<p>55</p> <p>1 Mr. Brooks was actually withdrawing as counsel,</p> <p>2 in any of the meetings that you had with</p> <p>3 Aequitas, did you inform them orally that they</p> <p>4 needed to do something because Mr. Brooks was</p> <p>5 withdrawing and there would be no counsel in</p> <p>6 front of the patent to represent those -- that</p> <p>7 portfolio in the Patent Office?</p> <p>8 MR. WANG: Objection to form.</p> <p>9 Q You can answer the question.</p> <p>10 A <b>I believe -- timing is going to be</b></p> <p>11 <b>hard for me here. Before this occurred, when</b></p> <p>12 <b>bills were coming in, they were presented to</b></p> <p>13 <b>Aequitas with the -- and with my recommendation</b></p> <p>14 <b>to them, that they need to keep this patent</b></p> <p>15 <b>portfolio in place, that they are basically</b></p> <p>16 <b>controlling the funds, they are controlling the</b></p> <p>17 <b>collateral, they are the collateral agent, that</b></p> <p>18 <b>they need to keep this patent portfolio in place</b></p> <p>19 <b>and as part of the -- part of the management</b></p> <p>20 <b>services they were providing. They were the</b></p> <p>21 <b>collateral agent, they were holding the</b></p> <p>22 <b>collateral.</b></p> <p>23 Q My question is: Once you became</p> <p>24 aware that Mr. Brooks was actually taking steps</p> <p>25 to withdraw from representation, did you at</p>
<p>54</p> <p>1 Do you recall becoming aware in April</p> <p>2 of 2008 that Mr. Brooks was actually taking</p> <p>3 steps to withdraw as prosecution counsel for the</p> <p>4 patent portfolio owned by Vivato Networks</p> <p>5 Holdings, Inc.?</p> <p>6 A <b>Yeah, I'm sure this is -- I am sure</b></p> <p>7 <b>this is a document I received and then -- or</b></p> <p>8 <b>seen. I don't know if I received it. It would</b></p> <p>9 <b>have went over to Aequitas.</b></p> <p>10 Q So you recall -- whether you saw this</p> <p>11 document or not, do you recall becoming aware in</p> <p>12 the spring of 2008 that Mr. Brooks was actually</p> <p>13 withdrawing as counsel for Vivato Networks</p> <p>14 Holdings, Inc. at the Patent Office for</p> <p>15 maintaining the portfolio?</p> <p>16 A <b>According to this document, yes.</b></p> <p>17 Q And you passed that on to -- you</p> <p>18 passed that information on to Aequitas?</p> <p>19 A <b>Yes. Aequitas was getting all the</b></p> <p>20 <b>correspondence, I believe.</b></p> <p>21 Q Well, this particular communication</p> <p>22 filed with the Patent Office -- put it this way:</p> <p>23 I don't know one way or the other whether this</p> <p>24 document ever found its way to Aequitas. What</p> <p>25 I'm asking you is: Once you became aware that</p>	<p>56</p> <p>1 least inform Aequitas of that fact?</p> <p>2 A <b>Specifically, I don't recall. I</b></p> <p>3 <b>think it is just part of the process of the</b></p> <p>4 <b>discussions I had with them on the portfolio.</b></p> <p>5 <b>So since the -- I assume if they got this</b></p> <p>6 <b>document, it was directed over -- all the</b></p> <p>7 <b>documents were being directed to their offices,</b></p> <p>8 <b>the Vivato information that, under the merger,</b></p> <p>9 <b>was directed to the Aequitas offices, that they</b></p> <p>10 <b>would have seen this.</b></p> <p>11 Q Okay. And I understand your</p> <p>12 testimony about that they would have seen this,</p> <p>13 but I'm asking, independent of that, do you</p> <p>14 recall having any discussions with them about</p> <p>15 the fact that Mr. Brooks was no longer</p> <p>16 complaining about bringing his bills current,</p> <p>17 but he was actually taking steps to withdraw</p> <p>18 from representing Vivato Networks Holdings, Inc.</p> <p>19 at the Patent Office?</p> <p>20 MR. WANG: Objection. Form.</p> <p>21 Q You may answer.</p> <p>22 A <b>Yeah, I don't -- I don't recall a</b></p> <p>23 <b>specific discussion pertaining to this item. I</b></p> <p>24 <b>discussed -- I recall the collection of what</b></p> <p>25 <b>needed to be done to keep this patent portfolio</b></p>

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Transcript of Gary Haycox  
Conducted on July 7, 2022

16 (61 to 64)

<p>61</p> <p>1 that ring a bell with you. 2 A And can you spell that. 3 Q I think he said it was perhaps 4 V-E-V-E-Y. Does -- 5 A Yeah, I don't recall the name of the 6 company. 7 Q Okay. You mentioned earlier in some 8 of your testimony about a lawsuit or some 9 litigation. What were you referring to? 10 A So when they went dark on selling the 11 patent portfolio in 2008 or '9, I guess it 12 was -- I can't recall the last conversation I 13 had with Aequitas. I know we had a meeting 14 subsequent to one of the calls we had with 15 the -- I believe it was a consultant that was 16 helping them move the portfolio. 17 I had a meeting with the Aequitas 18 folks. They basically told me that they were 19 going to prioritize any payments in the patents 20 sale to them over Western. And I said that's 21 not how the agreement is in place. We have a 22 proportional allocation of the funds, and any 23 payments that come back in on a sale of proceeds 24 you can't prioritize yourself. And then I 25 didn't hear from them. So it is kind of --</p>	<p>63</p> <p>1 Aequitas went, like, now, I understand why. I 2 wish I had a crystal ball. 3 Q Were you aware that in 2008, 2009, 4 there was litigation over Aequitas' attempts to 5 foreclose on the collateral securing the loan? 6 A No, I was never -- I was never 7 informed of that, nor was I brought into it. It 8 is -- well, I guess it's trivial. I guess it is 9 who they were having problems with. 10 Q Well, Mr. Ambrose testified that he, 11 at least for a portion of time, represented the 12 Vivato entities and one of the Catcher entities 13 in some of that litigation, but you were never 14 aware that there was a foreclosure action that 15 ultimately led to Aequitas gaining ownership of 16 the patent portfolio? 17 A Oh, I -- oh, no, I'm aware of them 18 closing and foreclosing on the collateral. I 19 don't recall at the time and right now if there 20 was a complaint against it. I may be -- a lot 21 of things in my mind is kind of gone because it 22 is -- of the loss of everything, but I thought 23 it was just a legal process to foreclose on the 24 collateral. I'm sure I wasn't happy about it, 25 but, you know, it is --</p>
<p>62</p> <p>1 things went downhill fast in the early part of 2 the year, and it obviously got pretty sour there 3 on the last conversation with them. 4 So then my brother -- so you asked 5 who was participating -- he wanted to have a 6 statement of zero value for his investment so he 7 can do a tax-loss write-off. I contacted 8 Aequitas and said hey, are -- what is the deal 9 with the patent portfolio? Where is it at? 10 What is -- and this is late. I mean, this is 11 now in -- I don't even remember what year this 12 was. 2010 or '11? I don't really recall, it's 13 just been so long. 14 I contacted them and asked them what 15 the status of the portfolio was, where the -- 16 where they were at with it. And they go, Well, 17 we sold that portfolio. I said, what? I said, 18 how come I wasn't notified? How come I didn't 19 see any proceeds from that? And then obviously 20 it was, like, you know, come in and talk. And I 21 started with the conversation. They weren't 22 going to pay me, so then I had to retain an 23 attorney to go after them on that. 24 So it wasn't a smooth relationship 25 with Aequitas. And as you can see where</p>	<p>64</p> <p>1 Q There was some litigation about it, 2 but ultimately Aequitas, to your recollection, 3 was able to foreclose on the collateral and 4 obtain ownership of the patent portfolio? 5 A Yes. 6 Q Did it ever come to your attention 7 that any of the patents applications -- patent 8 applications that Mr. Brooks had been 9 prosecuting went abandoned after Mr. Brooks 10 withdrew and the Patent Office approved his 11 withdrawal? 12 A No. 13 Q Do you know a -- or have any contact 14 with a Mr. Carl Schwedler, a patent attorney 15 with Bullivant, Houser, Bailey, P.C. in the 16 2009-2010 time frame? 17 A Is that a firm that was representing 18 Aequitas? 19 Q It is a firm -- it is an attorney who 20 was a patent attorney in the 2009-2010 time 21 frame. 22 A In that 2009-2010 time frame, again, 23 things got real quiet. So the end of 2008, we 24 had the conversations to move the portfolio. 25 That -- it may have been in 2009 and not 2008.</p>

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<p>65</p> <p>1 You know, I -- I am kind of not sure on that.  2 But he may have been on the phone call when I  3 was relaying technical information about the  4 patents and how it was being applied to Vivato  5 and how -- and just in asking any technical  6 questions, knowing that I am -- I was not --  7 like I told them, I am not the inventor, nor  8 do -- am I the patent author. I can just give  9 you the information I have based on my  10 understanding of how Vivato applied them. He  11 may have been on the call. I don't recall.  12 Q Do you recall any attorney who  13 informed you that he represented Aequitas in any  14 capacity calling you in the 2009-2010 time frame  15 and asking you what you knew about Mr. Brooks  16 withdrawing from representing Vivato Networks  17 Holdings at the Patent Office and what you knew  18 about why the patents that he had been  19 prosecuting went abandoned?  20 A No, I don't recall that.  21 Q Do you ever -- did you ever receive a  22 call from a Daniel P. Burke, a patent attorney  23 from Oyster Bay, New York representing  24 XR Communications, ever calling you and asking  25 you what information you had about Mr. Brooks'</p>	<p>67</p> <p>1 it would have been the same discussion. I don't  2 know where else it would have went. I don't  3 know.  4 Q I am just going to ask you about some  5 other names in the same question: Did any of  6 these people ever call you and ask you about the  7 circumstances surrounding why Mr. Brooks  8 withdrew or why the patents went abandoned?  9 Any conversations with an Adrian  10 Zajac, Z-A-J-A-C?  11 A Don't recall that name.  12 Q Any conversations with Adrian  13 Straplevi?  14 A Don't recall.  15 Q Any conversations with a Ron Chaffee?  16 A Don't recall.  17 Q Any conversations with Thomas Sidley?  18 A Tom Sidley was with Aequitas.  19 Q Did he ever call you in the 2009-2010  20 time frame to ask you about the circumstances  21 surrounding why Mr. Brooks withdrew and why the  22 patents went abandoned?  23 A In the -- he was managing the  24 portfolio, so the discussions I recall in --  25 subsequent to the shutting down of the</p>
<p>66</p> <p>1 withdrawal from representing Vivato Networks  2 Holdings, Inc. at the Patent Office and the  3 abandonment of the patents that he had been  4 prosecuting after he withdrew?  5 A What time frame would that be?  6 Q 2009-2010.  7 A I really don't recall.  8 Q Did you ever have any conversations  9 with a Mr. Kai Hansen about the circumstances  10 surrounding why the patent portfolio that Vivato  11 Networks, Inc. possessed before the foreclosure,  12 why those patents had gone abandoned?  13 A What was the name again?  14 Q Kai Hansen, H-A-N-S-E-N.  15 A Where was he from?  16 Q Well, he is now affiliated with  17 XR Communications.  18 A I don't recall any conversations  19 about the patents going abandoned. And, again,  20 if there were, it would have been the same kind  21 of discussion I am having here, was that  22 Aequitas was a manager, the collateral manager,  23 and then became the ultimate owner of the  24 patents, and their responsibility for keeping  25 the patent portfolio enforced was on them. So</p>	<p>68</p> <p>1 company -- so whether it was 2008, 2009, I don't  2 really recall -- conversations I had with  3 Mr. Sidley was around selling the portfolio. I  4 don't recall any specific conversation as to the  5 state of the patents because at the time, again,  6 I -- they are contacting me to get technical  7 information, more specifics about the technology  8 and how it was used in the product itself,  9 Vivato product, and that they were actually  10 moving to sell the portfolio. So I had -- at  11 that point, my assumption is the portfolio is  12 still in place. We wouldn't be marketing  13 something that was -- has no value.  14 Q Was Mr. Sidley involved with Aequitas  15 and Catcher and Vivato in 2008 before the  16 company went down?  17 A Yeah. He was one of the primary  18 managers, like a program manager or lead in  19 Aequitas that managed through the whole process.  20 I don't have any information as to how much  21 Mr. Sidley was involved with Catcher in the  22 years before the process of bringing the  23 companies together, but he certainly was the key  24 person for managing through the merger process  25 up to operations of the company subsequent to</p>

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<p>69</p> <p>1 the merger process, and then also through the</p> <p>2 bridge-loan note and payments that were being</p> <p>3 drawn down off of that note.</p> <p>4 Q Was Mr. Sidley involved, to your</p> <p>5 knowledge, in any way with Aequitas relating to</p> <p>6 which expenses were getting paid and which ones</p> <p>7 were not?</p> <p>8 A I don't have specific information,</p> <p>9 but he is the one I would meet with when we were</p> <p>10 talking about the different dispersions.</p> <p>11 There's also other people within the company</p> <p>12 that would do some of the day-to-day management,</p> <p>13 so I assume that he had someone on staff that</p> <p>14 was taking care of it, but he was the one I</p> <p>15 would have conversations with about, you know,</p> <p>16 we need to keep this thing up and running, we've</p> <p>17 got to keep these patent portfolios enforced,</p> <p>18 how is the loan going? You know, that was</p> <p>19 probably the biggest conversation we had most of</p> <p>20 the time, was how are we doing on the financing?</p> <p>21 I would give him updates on what we</p> <p>22 were doing with the customers. We had a -- we</p> <p>23 had a big project that was underway that we</p> <p>24 ultimately had to let go because the company was</p> <p>25 winding down, which was unfortunate. So a lot</p>	<p>71</p> <p>1 taking it forward, having conversations with</p> <p>2 people that are consulting on moving the product</p> <p>3 out of the -- going forward, that that was being</p> <p>4 taken care of.</p> <p>5 Q If I can beg your indulgence, I think</p> <p>6 I am done, but I would like to take five minutes</p> <p>7 just to review my notes. Is that okay with you?</p> <p>8 A Sure.</p> <p>9 Q Okay.</p> <p>10 MR. HASLAM: Why don't we go off the</p> <p>11 record for five minutes.</p> <p>12 THE VIDEOGRAPHER: Off record, 6:37.</p> <p>13 (A recess was taken.)</p> <p>14 THE VIDEOGRAPHER: On record, 6:41.</p> <p>15 MR. HASLAM: Can we pull up Tab 42.</p> <p>16 REMOTE TECH: Stand by.</p> <p>17 MR. WANG: Can you provide a copy in</p> <p>18 the chat, please.</p> <p>19 REMOTE TECH: Yes. It's currently</p> <p>20 uploading. It is about halfway there.</p> <p>21 MR. HASLAM: Can you give control of</p> <p>22 this to Mr. Haycox.</p> <p>23 BY MR. HASLAM:</p> <p>24 Q I'll ask you to take a look at this</p> <p>25 document, and I'm going to ask you, number one,</p>
<p>70</p> <p>1 of what I was doing was on the operational side</p> <p>2 in that, and then, you know, present to them</p> <p>3 what needed to be paid out, and mainly it was</p> <p>4 done through -- the primary expenditures were</p> <p>5 with the payroll, but then we were also having</p> <p>6 discussions about, you know, cutting the payroll</p> <p>7 for the execs, us, our team first, I think, in</p> <p>8 half, and then we went to no paycheck. So</p> <p>9 there's a lot of conversations in place about</p> <p>10 operational stuff, including all the</p> <p>11 expenditures.</p> <p>12 Q Just a few more questions.</p> <p>13 So Mr. Sidley -- you had</p> <p>14 conversations with Mr. Sidley about the</p> <p>15 non-payment of Mr. Brooks and the need to keep</p> <p>16 the portfolio going; is that correct?</p> <p>17 A Yes. I -- Tom, Mr. Sidley, would be</p> <p>18 aware of the fact that the portfolio needed to</p> <p>19 be enforced and that the -- Brooks was the ones</p> <p>20 that were in place for when we did the original</p> <p>21 patents. And where they took it from there, I</p> <p>22 don't know.</p> <p>23 Q Okay.</p> <p>24 A Again, I made the assumption that</p> <p>25 they are marketing the portfolio, they are</p>	<p>72</p> <p>1 if that is your signature and, number two, if</p> <p>2 you can tell me if this is the document that</p> <p>3 collateralized the patents, the patent</p> <p>4 portfolio, to secure the bridge loan from</p> <p>5 Aequitas.</p> <p>6 A Yes, that is my signature. And</p> <p>7 collateral -- they have a list of collateral.</p> <p>8 So, yes, this looks like it is the document that</p> <p>9 provides the list of collateral that secured the</p> <p>10 loan.</p> <p>11 Q Okay. And is it your understanding</p> <p>12 that when the loan went into default that</p> <p>13 Aequitas was able to foreclose on the</p> <p>14 collateral, which was the subject of this</p> <p>15 exhibit?</p> <p>16 A Yes.</p> <p>17 MR. HASLAM: Can I have that marked</p> <p>18 as the next exhibit in order to Mr. Haycox's</p> <p>19 deposition.</p> <p>20 REMOTE TECH: Sure. Sorry, does --</p> <p>21 are you still seeing the exhibit? It looks</p> <p>22 like --</p> <p>23 MR. HASLAM: Yes.</p> <p>24 REMOTE TECH: -- somehow it moved</p> <p>25 off. One moment. Let me just fix that.</p>

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<p>77</p> <p>1 invoice. I'm here on my own volition.</p> <p>2 Q About how many conversations did you</p> <p>3 have with Mr. Sharma or attorneys for Covington?</p> <p>4 A I would say one conversation that had</p> <p>5 many questions, and then one with a couple</p> <p>6 follow-up questions. But other than that, there</p> <p>7 was just phone mail -- voicemail tag and e-mail</p> <p>8 back and forth trying to set times.</p> <p>9 Q And did you provide any documents to</p> <p>10 Covington or in response to their subpoena? Did</p> <p>11 you produce any documents?</p> <p>12 A No. I -- the only thing I sent to</p> <p>13 them was via e-mail. I have no documents.</p> <p>14 Q And you also exchanged e-mails with</p> <p>15 Covington or Mr. Sharma?</p> <p>16 A Is that question directed to me?</p> <p>17 Q Yes. Yes. You also exchanged</p> <p>18 e-mails with Mr. Sharma or Covington &amp; Burling?</p> <p>19 A Yes. It was just -- and those were</p> <p>20 pretty much logistics e-mails, just setting up</p> <p>21 time -- date and times.</p> <p>22 Q Okay. Mr. Haycox, I want to be more</p> <p>23 clear on some of the dates that we talked about.</p> <p>24 So in April 2008, Catcher pretty much went out</p> <p>25 of business, right?</p>	<p>79</p> <p>1 stop, just everything ended on that date?</p> <p>2 A It was -- the collapse was pretty</p> <p>3 significant and fast and it was pretty much a</p> <p>4 hard stop. We had -- like I said, we had the</p> <p>5 primary job that was being done with the</p> <p>6 customer that we had to actually notify them and</p> <p>7 tell them that we couldn't fulfill the project,</p> <p>8 that they would have to look for an alternative</p> <p>9 vendor to work on what they were looking to</p> <p>10 accomplish. But as far as the company itself,</p> <p>11 it was pretty much a hard stop. It was -- like</p> <p>12 hit the wall.</p> <p>13 Q Okay. So after that date, did you</p> <p>14 even have any involvement in the operations of</p> <p>15 Catcher? I mean, was there anything else left</p> <p>16 to do?</p> <p>17 A I'm sure there is a lot of things</p> <p>18 that had to have been done. I didn't -- Catcher</p> <p>19 itself was out of Austin, Texas. I made no</p> <p>20 further trips into Austin after probably the</p> <p>21 second month in 2008. How that wound down and</p> <p>22 what are all the operations for shutting</p> <p>23 everything down was, was really outside of my</p> <p>24 purview. I was -- I mean, the whole thing was</p> <p>25 pretty devastating, right, so it, like, hit the</p>
<p>78</p> <p>1 A Yeah, April 1st of 2008, we pretty</p> <p>2 much -- everybody -- we disbanded it at that</p> <p>3 point. And as far as winding down the company</p> <p>4 and all that, I am not -- I am really not sure</p> <p>5 the mechanism to how they did that. But</p> <p>6 April -- pretty much, April 1st was when the</p> <p>7 operations ceased.</p> <p>8 Q So was the winding down leading up to</p> <p>9 April 1st, or did that occur, like, after</p> <p>10 April 1st?</p> <p>11 A No, we were operating and executing,</p> <p>12 like I say, working with customers all the way</p> <p>13 through the first quarter of '08. A lot of time</p> <p>14 was being spent on servicing customers from our</p> <p>15 employees' perspective. I had a time where I</p> <p>16 was working with some of the folks in Austin</p> <p>17 on -- with -- their product development was</p> <p>18 occurring, moving forward in the next-generation</p> <p>19 projects, and then heavy discussion on getting</p> <p>20 the financing because we wanted to continue</p> <p>21 operating through the -- through '08. Since the</p> <p>22 financing didn't come through, the bridge notes</p> <p>23 were winding out as far as any cash, we had to</p> <p>24 shut down the operations on April 1st.</p> <p>25 Q And so was that kind of like a hard</p>	<p>80</p> <p>1 wall, collapsed. Things just went south really,</p> <p>2 really, really fast.</p> <p>3 Q Is it fair to say that your</p> <p>4 involvement ended after April 2008?</p> <p>5 A I was still involved in discussions</p> <p>6 and meetings and trying to -- you know, we were</p> <p>7 still trying to move forward and getting things</p> <p>8 taken care of. They had the collateralization</p> <p>9 on the loan. It wasn't just the patent</p> <p>10 portfolio. There was objects and there was</p> <p>11 inventory and there was products up in Spokane</p> <p>12 that needed to be taken care of. And, again, it</p> <p>13 was a lot of communications on my part of what</p> <p>14 the collateral agent needed to work on, right?</p> <p>15 But Aequitas -- and back to those</p> <p>16 management fees, they managed through that</p> <p>17 process, you know. I wasn't really heavily</p> <p>18 involved. I mean, I was obviously looking at</p> <p>19 what we could do to try and continue the --</p> <p>20 which was -- it was -- you know, it was just</p> <p>21 a -- not going to happen. So the company</p> <p>22 itself, like I said, it just pretty much shut</p> <p>23 off pretty quickly.</p> <p>24 Q Okay. You're not an attorney, are</p> <p>25 you, Mr. Haycox?</p>

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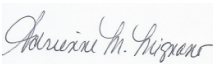
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<p>81</p> <p>1 A No.</p> <p>2 Q Do you have any knowledge or</p> <p>3 experience with patent prosecution?</p> <p>4 A No, other than what was provided</p> <p>5 through the -- through Brooks for me on that.</p> <p>6 But as far as all the mechanisms for how to file</p> <p>7 with the Patent Office and all the process and</p> <p>8 procedures, no, I don't have that expertise.</p> <p>9 Q Okay. I think during your deposition</p> <p>10 you testified no fewer than six or seven times</p> <p>11 about enforcing or maintaining the patent</p> <p>12 portfolio; is that correct?</p> <p>13 A Yeah, it is correct. I understand</p> <p>14 that, you know, if there is -- someone sends me</p> <p>15 a notice and says that they need to have</p> <p>16 something filed and keep a portfolio enforced</p> <p>17 that's kind of what I was repeating, right.</p> <p>18 Q Right. And you never had any</p> <p>19 intention to give up any patents or patent</p> <p>20 applications, correct?</p> <p>21 A No. I mean, we had -- as far as</p> <p>22 through the Western Process, we had 30 percent</p> <p>23 stake in the collateral. So, you know, I was</p> <p>24 subject to Aequitas's managing, but we also said</p> <p>25 there was no reason for me to want to see the</p>	<p>83</p> <p>1 financing -- to get the bridge taken care of and</p> <p>2 get the -- keep the company alive. I don't know</p> <p>3 if I'd -- you could call extend with more</p> <p>4 financing the bridge note. I mean, the -- when</p> <p>5 we put that in place, it was under the</p> <p>6 assumption -- I should say under goodwill --</p> <p>7 faith and goodwill that their -- that they would</p> <p>8 have financing put together; otherwise, I don't</p> <p>9 even think we would have done the bridge.</p> <p>10 And that is why, you know, I had</p> <p>11 conversations with them before. I said, this is</p> <p>12 a bridge loan. It wasn't actually intended to</p> <p>13 be a -- you know, just hand money over and not</p> <p>14 have an opportunity to actually execute on what</p> <p>15 they were telling us they could do. And so I</p> <p>16 think all the conversations would have been</p> <p>17 around how do we get -- secure the financing.</p> <p>18 Q So the conversations with Aequitas</p> <p>19 around the time of the merger in 2007 were about</p> <p>20 Aequitas assisting the company in finding</p> <p>21 long-term financing either -- was it through</p> <p>22 some sort of stock offering or merger partner or</p> <p>23 some other mechanism to get long-term financing</p> <p>24 into the company?</p> <p>25 A Yes, they were brought to my -- you</p>
<p>82</p> <p>1 thing go away. I mean, there was a significant</p> <p>2 amount of money at stake to -- you know, to</p> <p>3 bring it forward and keep it rolling and have</p> <p>4 the moving sale of the patent portfolio.</p> <p>5 And, again, that is why -- you know,</p> <p>6 they called me a couple times after that with</p> <p>7 meetings with consultants, and there could have</p> <p>8 been an attorney on the phone, I don't really</p> <p>9 recall. But to provide information for them,</p> <p>10 and that was all done like this, I am not -- I</p> <p>11 wasn't being paid. I was not a consultant. I</p> <p>12 was just providing information to help move that</p> <p>13 portfolio through the market.</p> <p>14 MR. WANG: Okay. I am -- I've got</p> <p>15 nothing further. Thank you, Mr. Haycox.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. HASLAM: I have just one more.</p> <p>18 EXAMINATION BY COUNSEL FOR DEFENDANT:</p> <p>19 BY MR. HASLAM:</p> <p>20 Q In the first quarter in the end of</p> <p>21 April 2008, did you have discussions with</p> <p>22 Aequitas about extending the loan or putting</p> <p>23 more money in?</p> <p>24 A I think the -- I think the</p> <p>25 discussions that we had was to get the</p>	<p>84</p> <p>1 know, they were actually brought to me through</p> <p>2 the Catcher process as have -- having done this</p> <p>3 in the past. And they said this is what they</p> <p>4 can do to secure financing. So I believe the</p> <p>5 financing was going to be done through issuance</p> <p>6 of stock. I'm sure they were looking at</p> <p>7 multiple things of either doing another --</p> <p>8 either stock offering, or they could have had</p> <p>9 another set of -- sell bonds, but I'm not sure</p> <p>10 exactly what priority they were driving.</p> <p>11 MR. HASLAM: Okay. Thank you. I</p> <p>12 have no further questions.</p> <p>13 THE VIDEOGRAPHER: Any other</p> <p>14 questions?</p> <p>15 MR. WANG: Not for me. Thank you,</p> <p>16 Mr. Haycox.</p> <p>17 MR. HASLAM: Thank you for your time.</p> <p>18 THE VIDEOGRAPHER: Anything else</p> <p>19 before we close, Attorney Haslam?</p> <p>20 MR. HASLAM: Not from me.</p> <p>21 MS. FORTE: Nothing for me.</p> <p>22 THE VIDEOGRAPHER: The time is --</p> <p>23 anything else? Did I hear --</p> <p>24 MS. FORTE: I said nothing for me.</p> <p>25 THE VIDEOGRAPHER: Time is 6:59, and</p>

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<p>1 this concludes today's deposition of Gary 2 Haycox. 3 We're off the record. 4 5 6 ACKNOWLEDGMENT OF DEPONENT 7 8 I, GARY HAYCOX, do hereby acknowledge 9 that I have read and examined the foregoing 10 testimony, and the same is a true, correct and 11 complete transcription of the testimony given by 12 me and any corrections appear on the attached 13 Errata sheet signed by me. 14 15 _____ 16 (Date) (Signature) 17 18 19 20 21 22 23 24 25</p>	85	
<p>1 2 3 CERTIFICATE OF REPORTER - NOTARY PUBLIC 4 I, ADRIENNE MIGNANO, the officer before 5 whom the foregoing deposition was taken, do hereby 6 certify that the foregoing transcript is a true 7 and correct record of the testimony given; that 8 said testimony was taken by me and thereafter 9 reduced to typewriting under my direction; that 10 reading and signing was requested; and that I am 11 neither counsel for, related to, nor employed by 12 any of the parties to this case and have no 13 interest, financial or otherwise, in its outcome. 14 IN WITNESS WHEREOF, I have hereunto set 15 my hand and affixed my notarial seal this 17th day 16 of July, 2022. 17 My Commission Expires: June 2026. 18 19 20 21 22  23 24 25</p>	86	

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